

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 44

December 14, 2001

**SUBJECT: DRIVING UNDER THE INFLUENCE ARREST REPORT,  
FORM 5.02.05 - REVISED**

**PURPOSE:** The Department has updated the Driving Under the Influence Arrest Report to set the standard for investigations involving individuals who are driving-under-the-influence. This arrest report has been revised to conform with the National Highway Traffic Safety Administration (NHTSA) and International Association of Chiefs of Police (IACP) standardized field sobriety testing curriculum. This Order changes the breath test observation time limit from 20 minutes to 15 minutes and revises the Driving Under the Influence Arrest Report, Form 5.02.05, to comply with current California law.

**PROCEDURE:**

**I. DRIVING UNDER THE INFLUENCE ARREST REPORT, FORM 5.02.05 - REVISED.**

**A. Use of Form.** This form is used to report the arrest of a person for any crime committed that includes the elements of driving a vehicle while under the influence of a narcotic, drug, or intoxicant. Additionally, this form is used to notify the Department of Motor Vehicles when a person arrested for driving a vehicle while under the influence of a narcotic, drug, or intoxicant refuses to submit to, or complete, a chemical test. The form shall include information regarding the arrest, admonition of rights, chemical tests, and field sobriety tests.

**B. Completion.** Completion of this form is delineated in Department Manual Sections 4/343.60, and 5/5.2-10.

**Note:** The results of the Standardized Field Sobriety Test (SFST) shall be documented directly onto the face sheet during administration of the test. Per Manual Section 4/343.20, the face sheet must be completed any time an investigation is conducted. When an arrest is not made, the face sheet shall be submitted with the Daily Field Activities Report (DFAR).

**C. Distribution.** The distribution of this form remains unchanged.

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**II. ADMINISTERING BREATH TESTS.** The observation time prior to administering the breath test shall be reduced from 20 minutes to 15 minutes. The officer shall observe the subject for a 15-minute period prior to administering the breath test. The subject shall not eat, drink, smoke, regurgitate, or vomit during this time.

**Note:** If the subject does regurgitate or vomit during this time, the 15 minute observation time starts over.

**III. OFFICER'S RESPONSIBILITY.** Officers shall read the attached guidelines for instructions on how to complete the revised Driving Under the Influence Arrest Report, Form 5.02.05.

**FORM AVAILABILITY:** The revised Driving Under the Influence Arrest Report, Form 5.02.05, will be available from the Department of General Services, Distribution Center, in about 90 days. The attached Form 5.02.05 shall be duplicated for immediate use until the form is available. Existing stocks of the Form 5.02.05 shall be bundled, marked "obsolete", and placed into a divisional recycling bin.

**AMENDMENTS:** This Order amends Sections 5/5.02.05 and 4/343.38 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Uniformed Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

**BERNARD C. PARKS**  
**CHIEF OF POLICE**

Attachment

**DISTRIBUTION "A"**